

**STORAGE NAME:** h4391z.ca  
**DATE:** August 4, 1998

**\*\*FINAL ACTION\*\***  
**\*\*SEE FINAL ACTION STATUS SECTION\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

**BILL #:** HB 4391  
**RELATING TO:** City of Punta Gorda/Charlotte County  
**SPONSOR(S):** Representative Harrington  
**COMPANION BILL(S):** SB 2574 (s)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 2
- (2)
- (3)
- (4)
- (5)

---

**I. FINAL ACTION STATUS:**

House Bill 4391 was introduced on March 24, 1998 and referred to the Committee on Community Affairs on April 6, 1998. The committee considered the bill favorably on April 15, 1998 and the bill was placed on the House Local Calendar April 24, 1998. The House approved the bill 120 YEAS 0 NAYS. The bill was received by the Senate on April 28, 1998 and approved 40 YEAS 0 NAYS on May 1, 1998. The bill became law without the Governor's signature May 23, 1998 and is chapter 98-520, Laws of Florida.

**II. SUMMARY:**

This bill prohibits fishing for saltwater fish, except by hook and line, in manmade saltwater canals in the city limits of Punta Gorda. The bill provides criminal penalties.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

There is currently no prohibition against saltwater fishing in manmade canals within the city limits of Punta Gorda.

B. EFFECT OF PROPOSED CHANGES:

This bill prohibits fishing for saltwater fish, except by hook and line, in manmade saltwater canals in the city limits of Punta Gorda. The bill provides criminal penalties.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

None.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

**STORAGE NAME:** h4391z.ca

**DATE:** August 4, 1998

**PAGE 5**

(3) government employees/agencies?

N/A

**E. SECTION-BY-SECTION RESEARCH:**

Section 1 -- Makes it unlawful to take saltwater fish, except by hook and line, within any manmade saltwater canal located in the City of Punta Gorda.

Section 2 -- Provides a violation is a criminal offense and punishable as a misdemeanor of the second degree as provided in sections 775.08 and 775.081, F.S.

Section 3 -- Provides for effective date of upon becoming a law.

**IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 22, 1997

WHERE? Sarasota Herald-Tribune, Charlotte County, FL

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

**V. COMMENTS:**

The Marine Fisheries Commission retains rulemaking authority over all saltwater life in Florida, except for endangered species and gear restrictions in manmade saltwater residential canals. Section 370.027, F.S., provides that the authority to regulate fishing gear in residential, manmade saltwater canals is specifically not delegated to the commission and is retained by the Legislature. The Florida Marine Patrol is required to enforce this law.

The Organized Fisherman of Florida opposed this bill.

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

N/A

**STORAGE NAME:** h4391z.ca

**DATE:** August 4, 1998

**PAGE 6**

VII. SIGNATURES:

**COMMITTEE ON COMMUNITY AFFAIRS:**

Prepared by:

Legislative Research Director:

Joan E. Highsmith-Smith

Joan E. Highsmith-Smith

**FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:**

Prepared by:

Legislative Research Director:

Joan E. Highsmith-Smith

Joan E. Highsmith-Smith